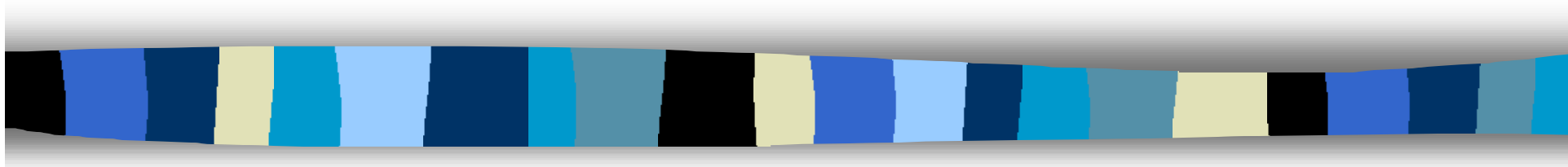


# EPA's Rulemaking on Hazardous Waste Derived Zinc Fertilizers



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## *EPA's Rulemaking on Hazardous Waste Derived Zinc Fertilizers*

### ■ Background

- 1997 media reports of “toxic waste in fertilizer” prompted EPA fertilizer studies
  - Industry study
  - Data collection, analysis of contaminants in all fertilizer products
  - Risk assessment



## *EPA's Rulemaking on Hazardous Waste Derived Zinc Fertilizers*

### ■ Background

#### – General findings:

- Fertilizers are generally safe
- A few products have unnecessarily high concentrations of contaminants (e.g., Pb, Cd, As)
- Need to revise RCRA regulations for fertilizers made from recycled hazardous wastes



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### ■ Current Regulations

- Hazardous wastes used to make fertilizers are subject to the RCRA “use constituting disposal” provision [266.20]:
  - Manifests, storage permits required for manufacturers
  - Fertilizers must meet LDR treatment standards
  - Exemption from LDR for K061 fertilizers



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### ■ Key regulatory issues:

- Industry argues that UCD regulations discourage legitimate recycling into fertilizers
  - RCRA permits are the main disincentive
- Environmental groups pressing for total ban on use of hazardous waste to make fertilizers
- “Loophole” for K061 fertilizers
  - K061 derived fertilizers don't have to meet LDR limits on contaminants



## *EPA's Rulemaking on Hazardous Waste Derived Zinc Fertilizers*

- Zinc micronutrients account for virtually all fertilizers made from hazardous waste
  - Approx. 50% of zinc fertilizers are made from hazardous waste ingredients
  - About 0.2% of total fertilizer market
  - Purity, quality of zinc fertilizer depends most on manufacturing process, rather than feedstock material used



## *EPA's Rulemaking on Hazardous Waste Derived Zinc Fertilizers*

- Proposed rule published 11/28/00
- EPA's Regulatory Goals:
  - More consistent standards - “level playing field”
  - Standards designed specifically for fertilizers
  - Removal of unnecessary regulatory barriers
  - Bottom Line: Fertilizers made from recycled hazardous wastes should be good, clean fertilizers



## *EPA's Rulemaking on Hazardous Waste Derived Zinc Fertilizers*

- EPA's Proposed Fertilizer Rule Would:
  - Remove current exemption for K061 fertilizers
  - Provide conditional exclusion from DOSW for mgmt. of hazardous wastes prior to recycling
  - Set new standards for six metals
    - Pb, Cd, As, Hg, Ni, Cr
      - Total concentrations (not leachate)
    - Set “background” standard for dioxins





## *EPA's Rulemaking on Hazardous Waste Derived Zinc Fertilizers*

- Removing exemption from LDRs for K061 fertilizers
  - Original basis for exemption is no longer valid
  - Relatively high contaminant levels
  - Cleaner products now widely available



## *EPA's Rulemaking on Hazardous Waste Derived Zinc Fertilizers*

- Proposed contaminant limits for metals
  - Based on demonstrated good manufacturing practice
    - Levels found in high-quality products
  - In effect, technology-based standards, rather than risk-based
  - Tied to % zinc content



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### ■ Conditional exclusion

- Hazardous wastes used to make fertilizers would not be regulated under Subtitle C, if certain conditions are met:
  - No land-based storage of materials
  - More complete recordkeeping
  - Annual reporting of recycling activities
  - Periodic testing



## *EPA's Rulemaking on Hazardous Waste Derived Zinc Fertilizers*

- Fertilizers made from hazardous mining waste
  - Proposal takes comment on need to regulate fertilizers made from recycled, Bevill-exempt mining wastes
  - “Ironite” products made from mine tailings have exceptionally high (4500ppm) As content



## *EPA's Rulemaking on Hazardous Waste Derived Zinc Fertilizers*

- Capsule summary of comments received:
  - Industry: Proposal is too stringent; EPA has overstepped its legal authority
  - Public interest groups: Proposal is too lenient, need for more restrictions, greater accountability
  - States: Proposal is about right



## *EPA's Rulemaking on Hazardous Waste Derived Zinc Fertilizers*

### ■ Status of proposed rule

- Public hearing held on Nov. 29 in Seattle
- Reviewing 700+ public comments
- Final rule by 7/15/02